THE HON'BLE SRI JUSTICE GODA RAGHURAM

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WRIT PETITION No.12682 of 2006

DATED:23.06.2006

Between:
Kudali Kondamma

.. PETITIONER

AND

District Collector, Prakasam District, Ongole. and others

.. RESPONDENTS

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.12682 of 2006

ORDER:

As on date, the Writ Petition is premature and is filed on an apprehension that the respondents will dispossess the petitioner, who is an encroacher, from the vacant site in an extent of Ac.0.05 cents in survey No.30/1 of Venkatakrishnapuram Village, Marripudi Mandal, Prakasam District, contrary to the provisions of the Andhra Pradesh Land Encroachment Act.

In fact, as on date, there has been no dispossession illegally of the petitioner. If the respondents seek to take the law into their hands and try to dispossess her except according to the due process of law, the petitioner has a plurality of remedies available. She can file a complaint before the jurisdictional police station against the officer, which complaint shall have to be registered and investigated by the police in accordance with law. The police will be obligated to employ the full coercive process of law against any person including the District Collector for acting contrary to the law of the land. The petitioner has also an alternative remedy to seek injunctive relief before the jurisdictional civil Court, if she is dispossessed except in accordance with law and she could seek emergent judicial orders of interdiction including by seeking exemption from the notice procedure under Section 80 of the Code of Civil Procedure, 1908. The petitioner is also entitled to exercise the right of private defence against any person including a person acting under the colour of office but without the authority of law. All these remedies are available within 10 kilometers from the petitioner's habitat and the petitioner need not

travel hundreds of miles to this Court. In any event, the Writ Petition is filed on an apprehension, and therefore, the same is liable to be dismissed. The petitioner has also an appropriate alternative remedy including those indicated above.

The Writ Petition is accordingly dismissed. No costs.

GODA RAGHURAM, J

Dated:23.06.2006
GJ